



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

TJS/CB

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/7459,786     | 06/02/95    | HARVEY               | 52090-243           |

Hunton & Williams  
1900 K Street, N.W.  
Washington, DC 20006-1102

LM02/0608

EXAMINER

LUTHER, W

ART UNIT

PAPER NUMBER

2731

27

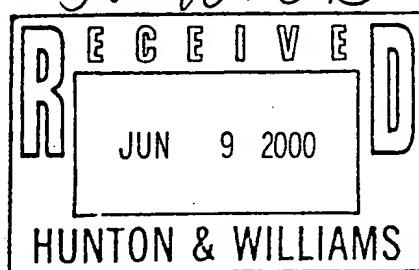
DATE MAILED: 06/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See Attached

REVIEWED





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

|                    |             |                       |                     |
|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 08/459,788         |             |                       |                     |

EXAMINER

ART UNIT PAPER NUMBER

27

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) William Luther (3) \_\_\_\_\_

(2) Tom Scott (4) \_\_\_\_\_

Date of Interview Jun 7, 2000

Type:  Telephonic  Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

Agreement  was reached.  was not reached.

Claim(s) discussed: n/a

Identification of prior art discussed:

n/a

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ex't requests clarification for when applicants intend to honor their agreement, made approx. 1 1/2 year ago, to consolidate this application (see attachment 3 when, after the ~1/99 agreement, applicants actually acted on the agreement as early as 3/9/99). Ex't notes that applicants have alleged that the 'agreement to consolidate' corresponds to the process illustrated in attachment 1's step 2 wherein applicants have alleged they would necessarily provide the interview summary corresponding to attachment 2 for meeting attachment 1's step 2. However, applicants have failed, to date, to provide attachment 2 for meeting attachment 1; accordingly, applicants have failed to meet their commitment for providing attachment 2, and their commitment for performing the instant consolidation.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

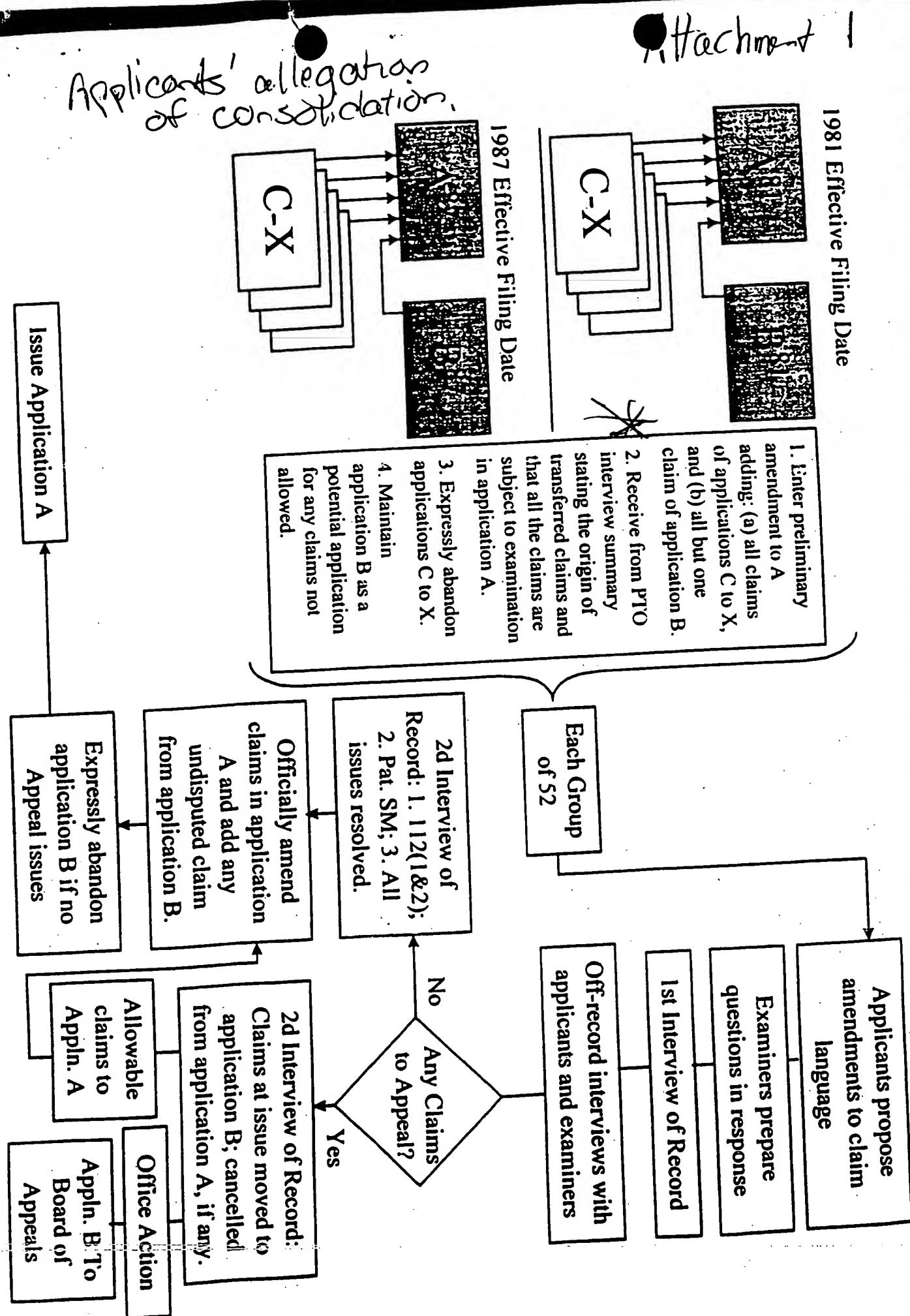
Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

(703) 328-6609

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Attachment



# Attachment 2

## Interview Summary Attachment

USPTO Serial No. 08/AAA,AAA  
Attorney Docket No. 05634.000A  
Filing Date: August 30, 1993  
Art Unit: 2737  
Examiner: FAILE, A.

Int. Summary that  
applicants alleged  
they would provide

Applicants hereby present a preliminary amendment to the above-identified application adding the following claim(s) from the following application serial number(s), and hereby expressly abandon the following corresponding application(s) as indicated below:

| Claims | Applications Serial No(s). | Expressly Abandon Application(s) |
|--------|----------------------------|----------------------------------|
| X      | 08/XXX,XXX                 |                                  |
| Y      | 08/YYY,YYY                 | Abandoned                        |
| Z      | 08/ZZZ,ZZZ                 | Abandoned                        |
|        |                            |                                  |
|        |                            |                                  |

The preliminary amendment adding the above-identified claims is hereby entered in the above-identified application and examined along with original claims XXX. An action on the merits is to follow.

Date: \_\_\_\_\_, 1999.

1. This action is in response to 7/6/99. Remarks that exist for pending claims 2214, have been considered but are moot in view of the new ground(s) of rejection.

### Overview.

As a preliminary matter, it is understood that applicants and the PTO have agreed to consolidate co-pending applications from ~329 in number to ~78 in number wherein applicants "claim" priority benefit under Section 120 for ~41/78 to 9/11/87 ('87), and ~37/78 to 11/3/81 ('81). However, to date, applicants have failed to complete the consolidation. For example and for illustration, in the group of 37/78, examiner finds consolidation papers for only 23 of 37! *10/6/99 of 3/15/00*

Applicants must understand that their failure, to date, to complete the consolidation has contributed to delay in prosecution, noting that the agreement to consolidate was made over an entire year ago.<sup>2</sup> Clarification is requested for when applicants intend to carry forth completion of their

---

<sup>1</sup>See Appendix B for examiners count of cases having consolidation papers. It is noted, for ex, that "group" 8 fails to map the claims, and hence is not within consonance of agreement and therefore is recognized as an amendment to an outstanding office action.

<sup>2</sup>For illustration, it is noted that the co-pending application no. 08/474,964 (see "group" 30 in Appendix B) consolidation was received 3/9/99. Therein, on page 9 (paper 20), applicants allege "In consonance with the agreement...Applicants...join the claims", etc.